

Application No. 10/581,833
Amdt. dated 14 October 2009
Reply to Office Action of 24 June 2009

REMARKS / ARGUMENTS

In the above-identified Office Action the Examiner has maintained claims 14-16 under 35 U.S.C. section 112, first paragraph for lack of enablement. Applicant has amended claims 14-16 so that they now recite the treatment of symptoms related to a reduction of the cognitive functions of the brain of mammals. As such, Applicant believes that the claim is enabled. In addition, Applicant notes that Claim 15, where the original claim related to Alzheimer's disease and questions why this was not indicated as allowable, as it identifies a specific disease.

Claims 1 and 12 have been rejected over Jensen et al. and Lohse et al. while claims 2-11 have been objected to as dependent upon a rejected base Claim 1 but allowable if rewritten in independent form.

Applicant has amended Claim 1 so that it now incorporates the restrictions of Claim 2 and, as such, claims 1 and 3-12 are now considered allowable.

In addition to the above, Applicant hereby submits new Claim 17 in which R₃ is now defined as a cyclic alkyl radical containing from 3-6 carbon atoms or a C₁-C₆ alkyl. R₃ is no longer defined as possibly being hydrogen. As now claimed, the claim compounds are even further from the compounds disclosed in the cited references. Thus for embodiments of Claim 1 in which R₅ is CH₂-O-R₇ there are two differences from the prior art. First, R₇ is an alkyl, alkenyl, alkynyl, or aralkyl radical as specified. In addition, R₃ is alkyl or cycloalkyl. Thus, the skilled person has to make two separate modifications to the prior art compounds to arrive at a compound within the claimed scope. No motivation exists for the skilled person to make such modifications, and so the claimed subject-matter is inventive.

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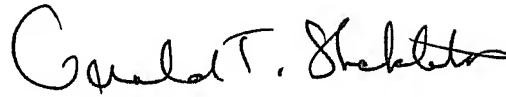
Applicant hereby requests reconsideration and reexamination thereof.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent than the last name "Shekleton".

Dated: 14 October 2009

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